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Beneath the surface

Archaeological work along the rail transit route moves apace, with surveys starting in the downtown segment

Hinaleimoana Wong Kalu believes it's her duty, and that of many other Hawaiians, to speak for the dignity of those who have been long silent.

Kalu chairs the Oahu Island Burial Council, one of the panels assembled for each island in the chain. They were created under the state's Native Hawaiian burial-protection law for the purpose of gathering the voices of family members who may be descended from people buried in the thousands of unmarked graves encountered in development projects, large and small. Treatment of these ancestral remains ("Iwi kupuna") is covered in that law, Hawaii Revised Statutes Chapter 6E.

This development, the city's rail transit line, is the largest one yet, roughly 20 miles long, an alignment that's been divided for design purposes into four segments.

And its developer, the Honolulu Authority for Rapid Transportation, has released its protocol for dealing with any burials it finds.

"They've assured us they will be conscientious about especially corridors 3 and 4," Kalu said. "There is a far greater potential for iwi kupuna finds there."

The third segment includes the airport but it's really No. 4, the part stretching from Middle Street and Dillingham Boulevard to the terminus at Ala Moana Center, that's going to be the most potentially contentious.

That's because state records and anecdotal information indicates many burials occurring in this zone, particularly the sandy soil in the Kakaako area, along Halekauwila and Queen streets. Traditionally Hawaiians were buried not in Western-style sequestered, fenced burial grounds but in private, often nearshore locations.

They are unmarked but solemnly cherished in the native culture, Kalu said, and the council will advocate that this approach be maintained as much as possible.

"I can only hope that with all the thoroughness they can muster, and if they're able to complete this, this would be something that would bring honor and respect not only to the

living community but to the community that passed on," she added. "They still do deserve our utmost respect; anything the burial council does is always with that in mind."

It's in this context that nearby projects such as Walmart on Keeaumoku Street and the newest phase of the Ward Centres complex ran into controversy and extended delays when dozens of burials were found.

The effort here is to get a head start by drawing up the burials protocol well in advance. The protocol was a requirement set in the programmatic agreement signed to settle various concerns over historic preservation, aviation and other issues, and to gain federal approval of the project's environmental impact statement.

With the protocol in place, project crews have begun the archaeological inventory survey mandated by law before construction starts. Because many burials are known to be in the Kakaako area, completion of the survey must be done even before final design of that segment starts, so that plans can be drawn with the aim of avoiding burial disturbance in mind, said Jeanne Mariani-Belding, a spokesperson for the project.

"This is a collaborative effort based on a lot of coordination," said Faith Miyamoto, chief planner on the project. "We can't do anything contrary to what the law says. If we find iwi kupuna in the course of our archaeological survey, then they are deemed to be 'previously identified.'" This is a designation that mandates a more lengthy process of review and consultation among people who can show they are descendants of Native Hawaiians living to the area.

HART has compiled a growing list of such "cultural descendants," along with Native Hawaiian organizations and others the law says should be consulted -- 300 names in all, and the list is still growing, officials said.

The survey work is already complete in the two westernmost segments of the rail alignment, between Kapolei and Aloha Stadium. No remains were encountered in the trenches dug as part of those surveys -- about 35 in the first segment and 40 in the second, Miyamoto said, although there were two findings of sediments, the remains of taro farming, and archaeological records were compiled on these.

Survey work started in November on the easternmost phase, the initial trenching done along isolated stretches of Dillingham and Halekauwila, near Mother Waldron Park. So far there's been nothing, but, with the work slated to resume in about a week, there's such a long way to go, said Barbara Gilliland, planning director for Parsons Brinckerhoff, the consulting firm hired for the project. The City Center corridor, as the final segment is called, will be trenched 232 times, she said.

THE basic approach is the same for all segments: Digging will take place at locations where there will be significant digs during construction -- around support posts, at roadway widenings, where utilities likely will be moved. Gilliland said crews want to avoid extraneous trenching so iwi won't be unnecessarily disturbed.

The difference in Segment 4, and the reason so many trenches are being dug, is that the crews are surveying about 80 percent of all the areas pegged for intensive ground disturbance, Gilliland said.

Any burial sites found in the course of archaeological surveys will involve consultation, with the burial council having jurisdiction over whether the burials are relocated during construction or preserved in place. The law asserts that in these cases, the council can press for the relocation or redesign of the post or whatever obstacle has exposed the burial. How far to press this issue can potentially be a cause for legal challenge, but HART officials are hoping as much as possible that early planning will allow the time for redesigns and, where that's not possible, for a negotiated agreement on how to handle the problem.

If a burial is found during actual construction, it will be categorized as an "inadvertent discovery," and its treatment -- relocation or preservation -- will be decided by the State Historic Preservation Division (SHPD), an agency within the state Department of Land and Natural Resources that has had a long history of staffing shortages. The project includes a provision for a project manager to assist all of the consulting parties, Miyamoto said.

Gilliland said that the rail planners have offered to provide extra staff to help with the processing of any cases that come up, but were told it wouldn't be necessary.

"We've never had an agency do that," she added.

Officials for SHPD declined comment.

THE protocol also carves out another category, that of remains "not situated in a burial context," which includes isolated bone fragments that may have been scattered as the result of previous disturbance of the soil in construction decades or even more than a century ago. Because Kakaako has been so long developed, Mariani-Belding said, this may be the case more often than not.

The treatment of bone fragments not classified as "burial sites" will be decided by SHPD on a case-by-case basis, Miyamoto said, but a less prescribed process of review may be involved.

It's that distinction that raised some eyebrows among Office of Hawaiian Affairs officials, who wrote a letter taking issue with the definition of burial sites.

OHA interprets the legal definitions "as clearly requiring that any human skeletal remains, regardless of context that are encountered during undertaking of construction activities be classified as an inadvertent discovery," wrote Clyde Namuo, then OHA administrator.

And projections -- or hopes -- that previously developed areas are free of intact burials have been spectacularly wrong before, as the dozens of burial sites unearthed at Walmart and Ward project sites demonstrated.

For all the preparatory work being done, the actual construction process still may be contentious. Kalu underscored, though, that burial-protection advocates have been wrongly characterized as anti-development. The burial council's quest is largely to find a middle path between needed growth and cultural sensitivities.

"We're not opposed to stimulating the economy, we're not opposed to having our people benefit from jobs and transportation," she said. "It's a matter of checks and balances. We are a part of that system of checks and balances."

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